THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 28518 OF 1995

Date: 28.11.2006

Between:

D. Madhusudan Rao and 117 others.

... Petitioner

and

Union of India rep., by Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi and seven others.

...

Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 28518 OF 1995

ORDER:

Petitioners herein, employees of the Kendriya Vidyalaya Sanghatan question the action of the respondents in revising the tariff for electricity and water charges payable by them at rates higher than those applicable to civilian employees in the defence establishment as arbitrary, irrational and in violation of Article 14 of the Constitution of India.

The entire case of the petitioners, as emphasized by Sri P.S. Rajasekhar, learned Counsel for the petitioner, in short is that civilians, in occupation of the Defence quarters constructed by the Military Engineering Services, are being given the benefit of a lower tariff. The petitioners would seek parity, with such civilian employees of the Defence Establishment who are occupying Defence quarters, and claim the benefit of lower tariff of electricity and water charges.

Articles 14 and 16 of the Constitution of India do not forbid classification. It only forbids disparity among persons similarly situated within the same class. Just as equals ought not to be treated unequally, unequals need not be treated equally. The burden is on those who allege violation of Articles 14 and 16 of the Constitution of India to establish that they are similarly situated to those with whom they seek parity. The petitioners herein are

employees of Kendriya Vidyalaya Sanghatan, a society under the control of the Government of India. Employees of Kendriya Vidyalaya Sanghatan are not employees of the Defence establishment. The mere fact that the quarters allotted to them, were constructed and maintained by the Military Engineering Service would not necessitate their being equated to Defence Personnel or the civilians in the Defence Establishment occupying Defence quarters. Civilians in the Defence Establishment and Employees of the Kendriya Vidyala Sanghatan do not constitute one single homogenous class. The plea of discrimination must, therefore, fail.

The writ petition is accordingly dismissed. However, in the circumstances, without costs.

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Date: 28.11.2006 RAMESH RANGANATHAN, J

MRKR